Scott. M-27—45,000—16-10-39

Education and Pub. Health **(19 40 ) Department**

Ms.- **SERIES.**

**G.O. No.** 395 G.

**Dated** 29.8.40

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## [Despatch Abstract.]

Buildings - Rules - Hospet - P.Virupakshappa Setti - Exemption from rule 8 - Granted.

C.F. 30

Municipal Health **DEPARTMENT.**

29426

*Received* ..... 19 ..... *Registered* ..... 19

ASST. SECRETARY TO GOVT. EDUCATION AND PUBLIC HEALTH DEPT. 20 JUL 1940

*Subject.*

House construction in Door No. 1275 of the IV Ward - Appeal from P.Nagappa Chetty dated 5-2-40 against the Orders of the Commissioner H.P.492/39 dated 12-1-40 and resolution of the Municipal Council thereon.

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ENCLOSURES.
No. 4
(Title of 20 pages)
Spare copies .....

H.P No. 492-39-C-5.

*Station* Hospet., *Dated the* 17th July 19 40.

From (Name) Sri N.G. Reddy, B.A., (Cantab)., (Designation) Commissioner, Hospet Municipality,

To The Secretary to the Government of Madras,

Education and Public Health Department.

Fort St.George Madras.

Sir,

Through

The Chairman.

Municipal Council, Hospet.

Sir,

Forwarded
18.7.40
Chairman M.C.,
Hospet.

In inviting your attention to the enclosed copy of the resolution No. 1309 dated 26-2-40, of the municipal Council on the subject, I beg to submit that Sri P.Nagappa Chetty on 21-9-39 had applied for permission to construct a building on the site Door No. 1275 of the IV Ward of this place. Orders granting permission were communicated

in this office H.P. 492/39 dated 2-12-39.

On the subsequent reports of the Sanitary Inspector and the Health Officer and in the absence of the orders of the Government granting exemption from operation of the mandatory provisions, the party was warned that the building up ~~of~~ in the front space of 4 ft. prescribed under rule 8 of the building rules in G.O.No.1621 P.H. dated 30-7-32 was irregular and asked to show cause, in H.P.492/39 dated 12-1-40 of this Office, against prosecution. The party however instead of giving sufficient cause to me on the notice, chose to prefer an appeal which he did in his letter dated 5-2-40 to the Chairman, The Municipal Council on this letter of appeal agreed in the resolution referred to above to grant permission for the construction of the verandah in the open space prohibited, while powers to grant exemption vest only in the Government .

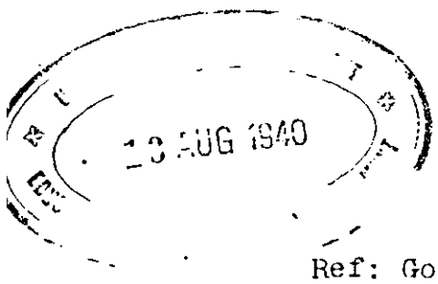
So far as the party is concerned it is represented that the space of 4 ft. prohibited against construction will be used only for the construction of an open verandah except the roof which will be closed and that this construction is necessary for being utilised to expose wares in a business locality in which the site and the building in question are located. Further, except for a few streets in the extensions, ~~there are~~ no street alignments and building lines have been prescribed by the Council under sec.166 of the Madras District Municipalities Act for the street in which the site is located and along with several unsurveyed streets, and imposition of the provision of rule 8 in the absence of street alignment and building line prescribed, therefore, appears to be irregular . If the Government consider that an exemption can be granted for these reasons, I request that necessary orders may be communicated to regularise the intention of the Council in the resolution and to enable me to give effect to the same.

I request that the Government will be pleased to condone the delay in the submission of this report as it is primarily due to the inaction of the Overseer who did not submit in time the proper sketches of the site and the building which were ordered to be submitted as enclosures to this reference; I am taking separate action

33123

against the subordinate. The file of papers containing 30 ~~papers~~ pages is also submitted and they may be returned after done with.

A. G. Rees
Commissioner. 12/8/40.




Town Planning Department,
Mount Road, Madras,
9th August 1940.

Ref: Govt.Memo.No.29426-1-F
P.H., dated 27-7-40.

Resubmitted.

The granting of permission to the building by the municipal council in its resolution No. 1309 dated 26-2-40 is contrary to rule 8 of the building rules issued in G.O.No. 1621 P.H dated 30-7-1932 and subsequently amended, and therefore irregular. The council may only recommend the case to the Government for exemption from the operation of the rules.

The building appears however to be eligible with reference to the new draft rules issued in G.O.No.1854 dated 4-5-40, as the site fronts on the wide Main Bazaar street and not on the public lane which is on the side.

(A)

D.T.P. 2145/40
10-8-40

for Ex-Officio Director of
Town Planning, Madras.

To the Secretary to Government,
Education and Public Health Department,
Madras.

Copy of the Council's Resolution No. 1309 dated 26-2-40.

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Read :- Appeal petition dated 5-2-40 of Mr. P.Virupakshappa Setty requesting permission to construct verandah within 4 ft. from the street alignment in front of Door No. 1275 in IV Ward.

2. The remarks of theHealth Officer dated 16-2-40.

RESOLUTION:- Permission is granted for constructing a verandah.

Sd. M.V. SWAMY,
Chairman, Municipal Council,
H o s p e t.

True copy

Commissioner. 17/7/40.

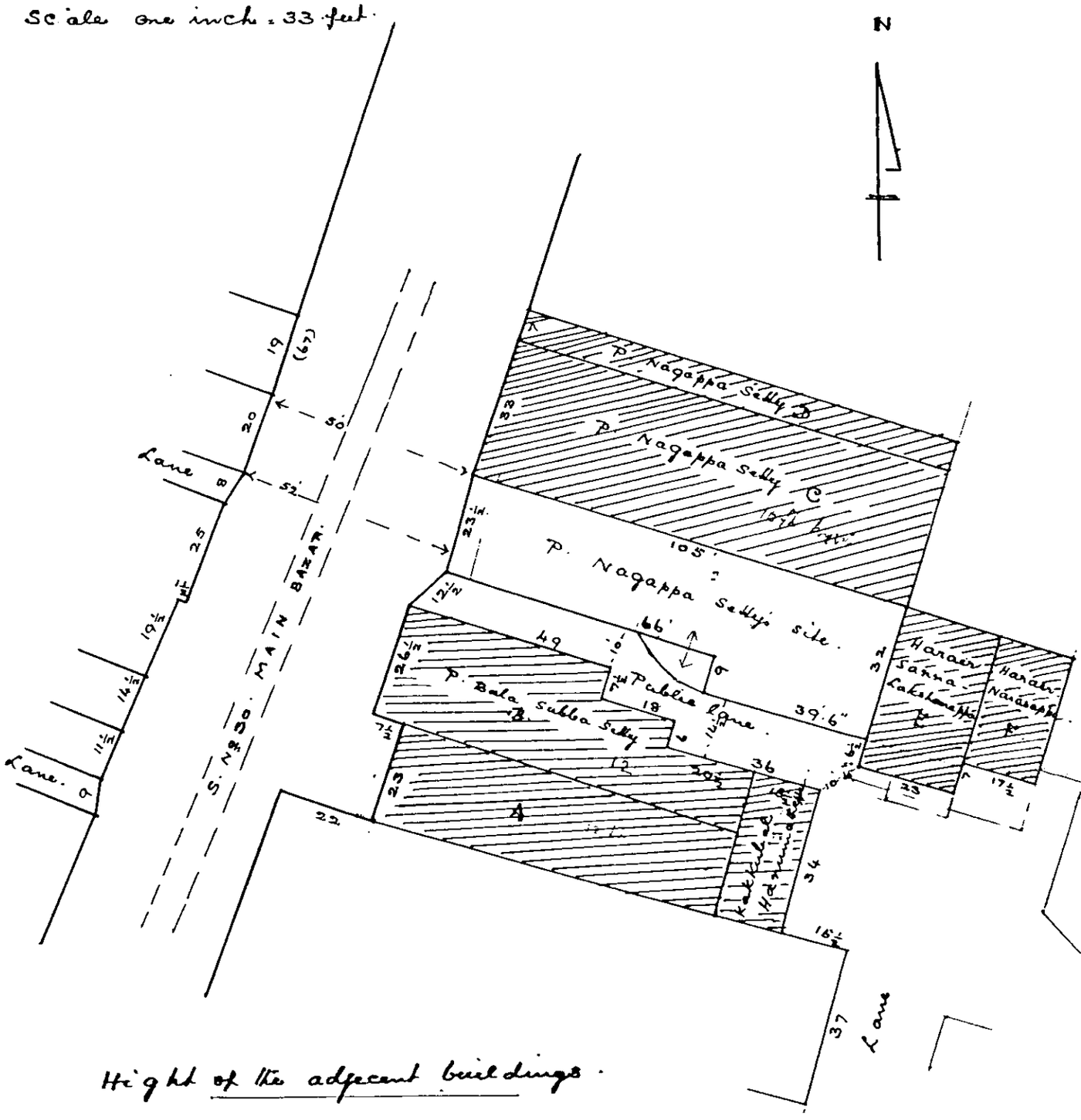
District - Bellary

Taluk - Hospet

(Hospet Town)

A combined Sketch of P. Nagappa Sethy's buildings and other sides within a distance of 40 ft.

Scale one inch = 33 feet.




Height of the adjacent buildings.

A - 12 feet

B - 12 feet

C - 10 feet

D - 10 feet

E - 9 feet

F - 9 feet

Height of the building under Construction 24 feet.

Tahsildar Hospet

T.S. 27.5.40.

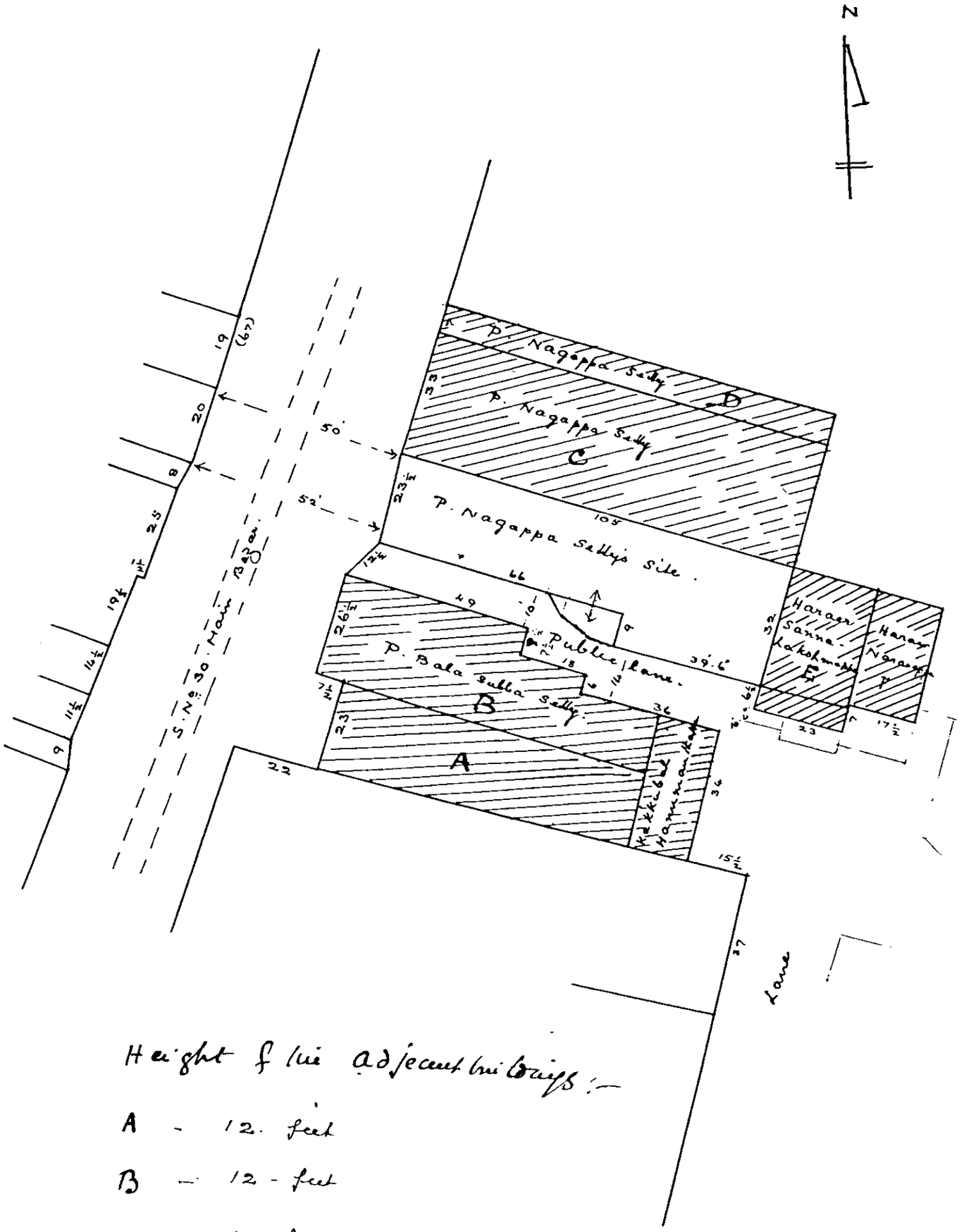
District Bellary

Taluk Hospet

Hospet Town

Scale one inch = 33 feet.

A Combined Sketch of P. Nagappa Setty's new building and other sites within a distance of 40 feet.




Height of the adjacent buildings :—

A - 12. feet

B - 12 - feet

C - 10. feet

D - 10 feet

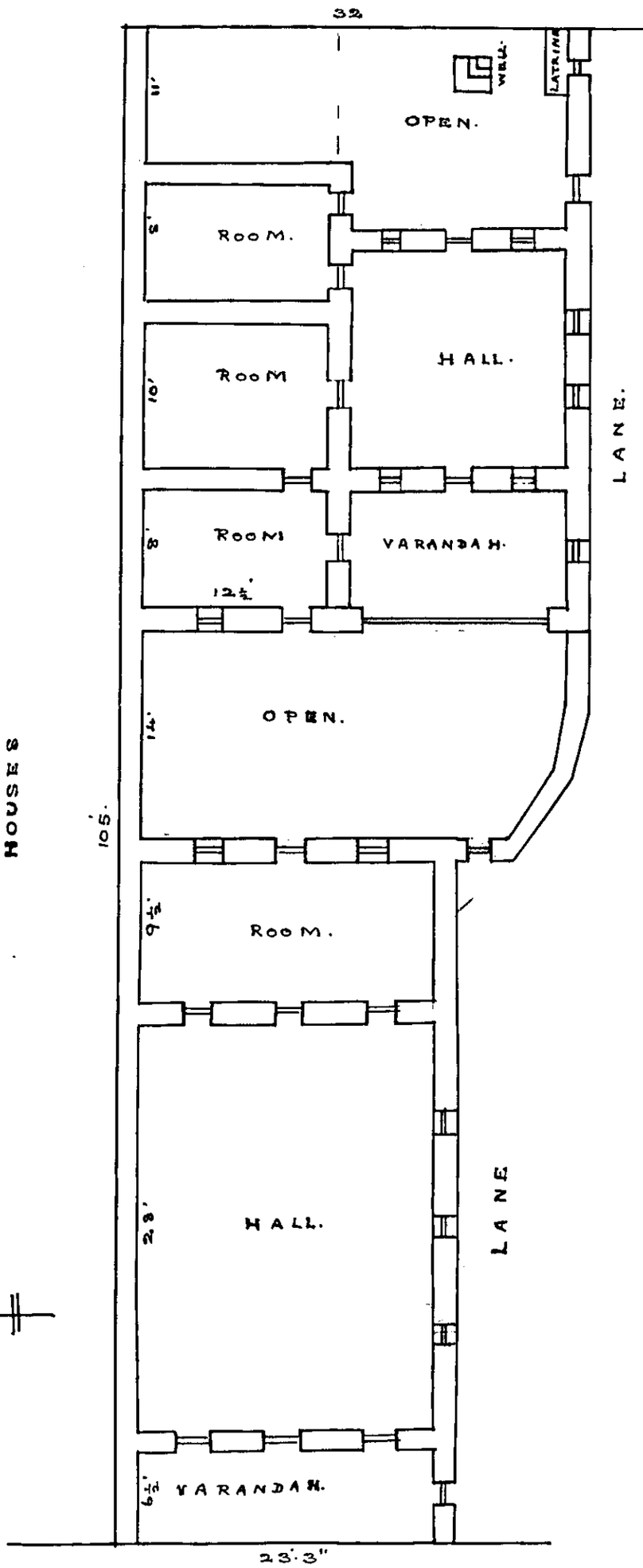
E - 9. feet

F. - 9 feet

27.5.40.

The height of building under Construction - 24 feet.

HOUSES.




TRUNK ROAD (Main Bazar)

HOSPET MUNICIPALITY.

GROUND PLAN OF

THE SITE OF

P. NAGAPPA SETTY.

SCALE 1" = 10'

DOOR. No. A/1275

T.S. 13.7.40.

Edn. & P.H. Dept.

urgent

Memo No.29426-1-F-P.H Dated 27.7.40

C.No.29426 From the Commissioner, Hospet Municipality No.492-39-C-5 dated 17.7.40

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Buildings - Rules - Hospet Municipality - Sri P. Nagappa labelling Relaxation.

Referred to the Director of Town Planning for remarks.

2. Till the new draft rules published in G.O. no. 1854 P.H. dated 4.5.40 are confirmed, the D.T.P. is requested to offer his remarks ~~in each case~~ as to whether exemption will be eligible with reference to the draft new rules

To

The D.T.P. (with c.f. and ml. file in original to be returned with reply)

Van
Dpd. by
Manager

6.9.40.

22.7.40.

SRY
26/7/40

15

O.W. 16.

# DRAFT FOR APPROVAL.

37/29/5 Date. Initials.

SUBJECT:— EDN. F.

| | | |
|---|---|---|
| When received for fair copying .. | | |
| When copied .. | | |
| When examined.. | | |
| When signed .. | | |
| When despatched. | | |

Brothels. Rule — Women rolls:— Sri P. Viruparakshappa Setti — Exemption from rule 8 1 Granted ~~Refused~~

READ AGAIN _____, dated _____ 19 ~~Cancelled~~

" " _____ " _____ 19 _____

READ *ALSO*:— Ms 1-2 cf HP

No. 29626 From the Cessnock Hospital No. 292/35 dated 17.7 19 60.

Ms 3 cf " 33123 " " " 24435/60 " 10.8 19 60.

" _____ " _____ " _____ " _____ 19 _____

Order Ms. ~~Resolution Rout.~~ No. 3959, dated 29 8 19 60

Ms 5 cf

Council resolution No. 1305 of 26 Dec the Women roll of the Granted for one year to P. Viruparakshappa Setti to Continue a verandah in the open Space in front of his house in the IV Avenue Kingsgate exempting the Corporation from the operation of rule 8 of the Brothels rules The former has exempted Brothels from the operation of the Brothels

rule with only in the Govt and the Govt has no power to grant exemption in such cases. So can only recommend to Govt. Case for exemption. The Govt therefore required to modify Central its rule in order to give effect to one of recommendations.

2. Rule rule 108A of the Building rules framed with Govt no. 162 P.H. dt 30.7.32 was subsequently amended vide Govt notification no. [illegible] dt [illegible] whereby Govt empowered in however fit cases to exempt certain buildings from the operation of rule 8 of the Building rules.

To
The Commissioner
Corporation of Madras
for information

Yours faithfully
Secretary
26/8/40

C.F. 30.

MUNICIPAL DEPARTMENT. 7/

*Received* ..... 19 *Registered* ..... 19

*Subject.* **47288**

Buildings - Construction of Verandah to D.No. 1275 of the IV th ward- By P. Virupakshappa Setty.

Encl 4 (7) Deptt

May be filed with Endo 3959 P.H., dt 29.8.40. Ex exemption from rule 8 (a) above may be granted SRU 21.11.40.

H.P. No. 492/39 -C5

*Station* Hospet., *Dated the* 12-11- 1940.

ENCLOSURES.
No. .....
.....
Spare copies .....

From (Name) Sri. I. Raja Rao Naidu,
(Designation) Commissioner, Hospet Municipality, Hospet.

To The Secretary to the Government of Madras,
Education and Public Health Department.
Through, MADRAS.

Sir, The Chairman,
Municipal Council,
Hospet.

Ref:- Para 1 of G.O.No. Ms.3959 Education and Public Health dated 29-8-40.

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Forwarded
15.11.40
Chairman M.C. Hospet

I submit herewith a copy of the resolution No.573 dated 31-10-1940 of the Municipal Council in its meeting held on 31-10-1940. with reference to para 1 of G.O.No. Ms. 3959 Education and Public Health, dated 29-8-40 on the subject.

SB/14-11.

14.11.40.
Commissioner.

Copy of the Council's Resolution No. 573 dated 31-10-1940.

Read:-(1)Application dated 21-9-39 of Mr. P. Virupakshappa requesting permission for construction of a building D.No.1275 in Main Bazar in III ward.

(2) This office order in H.P.492/39 dated 2-12-39 granting permission for the building with a condition that front verandah is not permitted as it contravenes rule 8 of building rules with regard to 4' of open space in front.

(3) Appeal petition dated 5-2-40 dated 5-2-40 of Mr. P. Virupakshappa requesting the council to grant licence for the Verandah, in front against the orders in H.P. 492/39 dated 2-12-39 (condition 1).

(4)Councils resolution No. 1309 dated 26-2-40 granting permission for the construction of verandah.

(5)Government order Ms.3959 dated 29-8-40 informing that the power to exempt buildings from the operation of the building rules vests only in the Government and the Council has no power to grant exemption except making recommendation while exempting the construction of verandah as a special case, requiring the council to modify the resolution No. 1309 dated 26-2-40 to one of recommendations.

Resolution:-This council recommends to the Government to exempt the construction from the operation of Building rule 8 of G.O. No. 1621 P.H. dated 30-7-32.

Sd.M.V.Swamy,
Chairman,M.C.

(True copy)

Commissioner.